

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PETRO HOLDINGS, INC. and	)	
PETROLEUM HEAT AND POWER CO., INC.,	)	
Plaintiffs,	)	CIVIL ACTION
	)	NO. 05-CV-11222-MEL
	)	
v.	)	
	)	
CRUM & FORSTER INDEMNITY COMPANY,	)	
UNITED STATES FIRE INSURANCE COMPANY and	)	
THE NORTH RIVER INSURANCE COMPANY	)	
Defendants	)	

**DEFENDANTS' MOTION FOR LEAVE TO APPEAR PRO HAC VICE**

The Defendants, Crum & Forster Indemnity Company, United States Fire Insurance Company and The North River Insurance Company, by and through their counsel, Clark W. Yudysky, Toomey & Yudysky, LLP of 99 Summer Street, Boston, Massachusetts 02110 respectfully move this Honorable Court that attorneys Christopher R. Carroll and James W. Gunson and the law firm of Carroll, McNulty & Kull L.L.C. of 120 Mountain View Boulevard, Basking Ridge, New Jersey, be admitted to practice *pro hac vice* as co-counsel to the Defendants in connection with this case. As grounds therefore, the Defendants state as follows:

1. Attorneys Christopher R. Carroll and James W. Gunson have been retained as co-counsel to the Defendants. Attorneys Carroll and Gunson have represented numerous other defendants in cases involving insurance related coverage claims.
2. Attorneys Carroll and Gunson and the law firm of Carroll, McNulty & Kull L.L.C. collectively have had extensive trial and appellate practice in state and federal courts and have been admitted as counsel *pro hac vice* in a number of other jurisdictions.

3. Attorney Clark W. Yudysky, whose signature appears below, will be local counsel to the Defendants in this case. Clark W. Yudysky is the attorney with whom the Court and opposing counsel may communicate and upon whom papers may be served. The Defendants request that Attorneys Christopher R. Carroll and James W. Gunson and the law firm of Carroll, McNulty & Kull L.L.C. also be served with all papers from the Court and opposing counsel.

5. Attorneys Christopher R. Carroll and James W. Gunson and the law firm of Carroll, McNulty & Kull L.L.C. will comply with all applicable rules of the District Court.

6. Attorneys Christopher R. Carroll and James W. Gunson and the law firm of Carroll, McNulty & Kull L.L.C. are in good standing with the New Jersey Supreme Court and in all other jurisdictions where they have been admitted to practice.

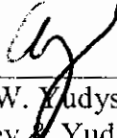
7. There are no disciplinary proceedings pending against Attorneys Carroll and Gunson as members of the Bar in any jurisdiction.

8. Attorneys Carroll and Gunson are familiar with the local rules of the United States District Court for the District of Massachusetts.

9. In support hereof, attached hereto as Exhibit Nos. 1 and 2 are the Certifications of Attorneys Carroll and Gunson in Support of the Defendants Motion for Leave to Appear *Pro Hac Vice*.

WHEREFORE, the Defendants, Crum & Forster Indemnity Company, United States Fire Insurance Company and The North River Insurance Company respectfully request that Attorneys Christopher R. Carroll and James W. Gunson and the law firm of Carroll, McNulty & Kull L.L.C. be allowed to practice *pro hac vice* as co-counsel to the Defendants in connection with this case.

Respectfully Submitted,  
The Defendants,  
Crum & Forster Indemnity Company,  
United States Fire Insurance Company  
and The North River  
Insurance Company,  
By their attorney,

  
Clark W. Yudysky, BBO# 538210  
Toomey & Yudysky LLP  
99 Summer Street  
Boston, MA 02110  
(617) 946-0930


Date: 8/1/05

**CERTIFICATE OF SERVICE**

I, Clark W. Yudysky, counsel for the Defendants, Crum & Forster Indemnity Company, United States Fire Insurance Company and The North River Insurance Company, do hereby certify that I served a copy of the foregoing **DEFENDANTS' MOTION FOR LEAVE TO APPEAR PRO HAC VICE**, on all parties to this action by mailing a copy of same, postage prepaid, to them or their counsel of record:

Francis M. Lynch, Esquire  
Matthew P. Zayotti, Esquire  
KEEGAN WERLIN LLP  
265 Franklin Street  
Boston, MA 02110

Date: 8/1/05

Attorney: 

bmd 63125.1 8/1/05

# **EXHIBIT NO. 1**